

A
VINDICATION
OF THE
Hereditary Right

O F
His Present M A J E S T Y,
King G E O R G E II.
T O T H E
Crown of GREAT BRITAIN, &c.

By *GEORGE BALLANTYNE*, Esq;

Being a full Answer to all the Arguments of
the *NONJURORS*, and others disaf-
fected to the present Happy Establishment,
in their OWN WAY, and upon their OWN
PRINCIPLES.

Pro Rege & Patria, sunt semper mea Arma parata.

E D I N B U R G H:

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IT is necessary to inform the Reader, that the Author of the following Vindication was led into this Discussion, by an accidental Dispute, in Conversation with some rigid and obstinate NON-JURORS, whose chimerical Notions, and absurd Principles, with respect to HEREDITARY RIGHT, would

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would admit no other but a plain categorical Answer, built on their own Foundation. For as to the supream indefeasable Right of their Late and Present Majesties King **GEORGE** the First and Second, and their Heirs, to the Imperial Crown of *Great Britain*, &c. It is evidently founded upon the Acts of the States, being the supream legislative Power of the Nation, by their settling the Crown upon the Princess *Sophia*, and her Issue, being Protestants. Nor does it any where appear, that the august House of *Hanover* ever did, or ever intends to claim a Right to the Crown of
Great

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Great Britain on any other Foundation. But if, notwithstanding, it can be clearly demonstrated, as we humbly presume it is in the following Pages, that His Present Most Sacred Majesty, King **GEORGE** the Second, doth actually possess and enjoy the best **HEREDITARY RIGHT**, in the Course of a legal Descent, to the Crown of *Great Britain, &c.* of any Monarch that hath sat upon the Throne since *Richard* the First, it will not only afford one very justifiable Reason how the States of the Kingdom came to make choice of that Happy Succession, for the future Settlement

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tlement of the Crown, but likewise present it to the View of all impartial considering Men, as an Act of Justice, proceeding from the wonderful Operation of Divine Providence.

A

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Of His Present M A J E S T Y
King G E O R G E the II^d.

T O T H E
Crown of G R E A T B R I T A I N, &c.

I SHALL not perplex the Argument of *Hereditary Right*, by going farther back to found it, than to *William* the First, commonly call'd *William* the Conqueror; for as Mr. Colyer, in his *Historical Dictionary* hath declar'd, that the best *Hereditary Right*, that any of our Kings enjoyed since the Conquest, commenc'd in *Henry* the Second's marrying the
B right

right Heir of the *Saxon* Line; I take it for granted therefore, that the *Nonjurors* will not insist upon going beyond the *Norman* Line, to found the true *Hereditary Right* of our King's since.

I shall therefore in the first Place, consider how *Hereditary Right* stood from *William the Conqueror*, to *Henry the Second*. It will be readily granted, that *William* the First, had no true *Hereditary Title* to the Crown of *England*, by Birth or Affinity of Blood, being not of the Royal Blood, either of the antient *Britons*, *Danes*, or *Saxons*; and besides this, was illegitimate, as all our Histories acknowledge, therefore could have no true *Hereditary Right* by Birth, nor had he any by Marriage; and though the Author of the Book, entitled *Hereditary Right*, hath taken great Pains to bring him into the Number of *Hereditary Kings*, yet all that he hath said on that Head, hath been evidently answer'd by several learned Hands. But however, if it be granted, that he had ever so clear an

Here-

Hereditary Right, it doth not in the least prejudice my present Argument.

WILLIAM the First left three Sons, viz. *Robert* the eldest, *William* his second, and *Henry* his third Son. On the Death of *William* the First, his second Son, *William* the Second, took the Crown by the Consent of the States: But in Wrong to the strict *Hereditary Right* of his elder Brother *Robert*, then alive, and engaged in the Holy War against the *Turks*; and though it be pretended that *William Rufus's Hereditary Right* is founded upon the last Will of his Father, which by the way I conceive is but a very slight Foundation for a strict indefeasible *Hereditary Right*, yet *Matthew Westminster* tells us, lib. ii. p. 12. the States and the Lords of the Realm had so little Regard for this testamentary Title, that they disdain'd at first to be subject to the younger, when the elder Brother was every way so well qualified to govern and protect them, but *William Rufus* waving his testamentary Pretence, and promising

misgiving to ease the People of their Oppressions, and to restore them to their antient Liberties, he was at length admitted to the Crown; but it does nowhere appear that the States consented to it upon the strict Foundation of *Hereditary Right*.

BUT that which mitigates the Matter in the Case of *William* the Second was, he brought his Brother *Robert* to consent that he should enjoy the Crown during his Life; and *Matthew Westminster*, lib. ii. p. 14. tells us, that upon the Peace which was made betwixt *Robert* and *Rufus*, it was agreed that if either of them died without Sons, the other, if living should be his Heir; and this Agreement was sworn to, not only by themselves, but by twelve Barons on each Side. *William* the Second died without Heirs, and therefore *Robert*, who survived him, had not only the *Hereditary Right* by Birth, but also by the last Will of *Rufus*, which gave him a double Title to that Crown, yet notwithstanding, upon the Death of *William* the Second, *Henry* the First, Son of *William* the Conqueror,

ror, took the Crown by the Consent and most apparent Election of the States, as all Historians agree *. Here is a second apparent Breach of *Hereditary Right*.

BUT this Matter was again made up, by Prince *Robert*'s making an Agreement with *Henry*; that seeing *Henry* was born since his Father *William* came to the Crown, he should as being the eldest Son since his Father was King, and being invested with the Crown by the Consent and Election of the States, enjoy it during his Life, paying 3000 Marks *per Ann.* Secondly, that *Robert* surviving him, should succeed him. Thirdly, that all that had taken part with *Robert* should be pardoned. This Agreement gave the best *Hereditary Right*, that then subsisted, to *Henry*, and as *Robert* died before *Henry*, this *Hereditary Right* descended to *Henry*'s Children

HENRY

* *Gul. Newbrigenfis* p. 359. *Matthew Westminster*, lib. ii. p. 22. *H. de Knight* c. 8, 2374. *Brompton* 997.

HENRY the First left only one Daughter, named *Matilda*, who first married to *Henry* the Fifth, Emperor of *Germany*, but had by him no Issue, but marrying a second Time to *Henry Plantagenet*, had by him one Son, viz. *Henry*; but on the Death of *Henry* the First, *Stephen*, a Son of *William* the Conqueror's Daughter, took the Crown, as all Historians agree, by the Election of the States, without any Title to *Hereditary Right*, upon a Promise that he would preserve their Priviledges, and consent to good and wholesom Laws: Here was *Hereditary Right* broken in upon a third Time since *William* the Conqueror; so that *Stephen*, as to any *Hereditary Right*, was a direct Usurper; but *Stephen*'s Son and Heir dying, he adopted *Henry*, Son of the Empress *Maud*, or *Matilda*, for his Heir, and accordingly, upon the Death of *Stephen*, *Henry* the Second came to the Crown, in the pure and true *Hereditary Right* of his Grand-father, *Henry* the First, and his Mother *Maud*, or *Matilda*, only Heir of *Henry*; and this is the first
Time

Time that pure and true *Hereditary Right* took Place since *William the Conqueror*.

I N this *Henry the Second*, saith *Colyer's Historical Dictionary*, the *Norman* and *Saxon* Blood was happily united, through *Henry's* marrying the right Heir of the the *Saxon* Line, upon which Mr. *Colyer* seems to lay so great a Stress, as to think, the only true *Hereditary Right* to the Crown commenc'd and took Place at this Time, since *William the Conqueror*; which Conception we will admit to have much Truth in it, as to the *Hereditary Right* of the *Saxon* Line; so that *Henry the Second* and his Heirs and Issue, have the truest and most undoubted *Hereditary Right* since the *Norman Conquest*.

THIS *Henry the Second* left at his Death two Sons, viz. *Richard* the eldest, and *John* the youngest: Mr. *Colyer* is very just thus far, but he unkindly, and 'tis to be fear'd with no good Design, hides another Article, for which this *Henry the Second* is deservedly famous, viz. that his eldest Daughter, named
Maud,

Maud, or *Matilda*, was married to *Henry* the *Lyon*, Duke of *Bavaria*, and *Saxony*; from the eldest Branch of whose Family and Issue his present Majesty King *George* the Second is the Heir in a direct Line, as we shall afterwards shew, and is acknowledged by all our best and most authentick Historians; for on the Death of *Henry* the Second, his eldest Son *Richard*, by strict *Hereditary Right* came to the Crown, and wore it with Glory and Fame whilst he lived, but he dyed without Heirs of his own Body, and according to true and strict *Hereditary Right*, the Crown at his Death ought to have descended to Prince *Arthur*, Duke of *Bretagn*, and only Son of *Jefferey*, King *John*'s elder Brother, but in direct Wrong to this *Hereditary Right* of Prince *Arthur*, *John Jeffery*'s younger Brother, by very indirect Means, as Mr. *de Rapin* (whom I chuse to make use of on this Occasion, as believing him to be the most impartial Historian of those Times, of any modern Author, and one that cannot be suspected of any partial Views, with Respect to the present Family,

of

of his Majesty King *George*) evidently shews: And here I shall begin my Argument to prove that his present Majesty King *George* the Second, receives from his Royal Father, the best *Hereditary Right* to the Crown of *England* and *Ireland*, of any Monarch that hath set upon that Throne since *Richard* the First, and I shall do it by proving those Points following.

Point 1. THAT King *John* had no *Hereditary Right* to the Crown when he took it, but assum'd it in the direct Wrong to the strict *Hereditary Right* of Prince *Arthur*, Heir apparent to King *John*'s elder Brother.

Point 2. THERE is the highest Reason to believe that King *Richard* never left the Kingdom by Will, (as some pretend) to King *John*.

Point 3. THAT Prince *Arthur*'s Surrender of the Kingdom to *John*, never gave him any Right thereto: But as to *Hereditary*
C *Right*

Right, he was a direct Usurper, and consequently guilty of High Treason.

Point 4. THAT King *John* murder'd Prince *Arthur*, and thereby attainted his Blood of all Title to inherit *Hereditary Right*.

Point 5. KING *John* imprison'd the Princess *Elenor*, Prince *Arthur*'s only Sister and Heir; and debarr'd her the Priviledge of having Issue, and that she never surrender'd her *Hereditary Right*, to give King *John* any Title thereto.

Point 6. THAT there was no Branch of the Royal Family of *Henry* the Second, for the true *Hereditary Right* to descend to, upon the Death of the Princess *Elenor*, and the Forfeiture of King *John*, but the Princess *Maud*, eldest Daughter of King *Henry* the Second, Mother of the first Royal Blood of *England*, in the Ancestors of King *George*.

Point

Point 7. THAT all King *John's* Children were born in unlawful Wedlock; and therefore could have no Title to inherit the true *Hereditary Right*.

Point 1. *RAPIN* tells us, there were several Circumstances that favour'd *John's* Advancement, in Wrong of Prince *Arthur*. *First*, His Mother Queen *Elenor*, who was very much beloved by the Generality of the People, but a Woman of a haughty Temper: She consider'd that if *Arthur* came to the Crown, being not above 12 or 14 Years of Age, when her Son *Richard* died, *Arthur's* Mother would have the principal Hand in the managing of all publick Affairs during her Son's Minority, and that she should be obliged to be under her, the thought of which she could not bear. *Secondly*, *John* was her beloved Son, and therefore she used all her Interest for his Advancement. *Thirdly*, During King *Richard's* Absence in the *Holy Land*, and his Imprisonment by the Emperor, which *John* had no small

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hand

hand in; *John* had made himself a considerable Party amongst the Barons and Clergy of *England*, in hopes to have usurp'd the Crown in his Brother *Richard's* Life-time, which was the more easily reviv'd upon his Death. *Fourthly*, By Promises, Oaths and Threats (saith *Rapin*) *John* gained the Majority of the Barons, to admit him: But *Point 2.* The *Nonjurors* urge in favour of *John's* Title, that his Brother *Richard* left him the Crown by Will, at his Death: But as there is but one Historian that affirms any thing of this Testament in favour of *John*, viz. *Haveden*, who does indeed say, when *Richard* despair'd of Life, he devised the Kingdom of *England* and all his Lands to *John*: But as he is the only Historian of any Account that mentions this Will, his single Testimony can have no great Weight, when no other Historian of that Day gives us any Account of it: And there are many Reasons to be urged against it: As *First*, That *Richard*, when he went to the *Holy Land*, by Consent and Concurrence of the States, (saith *Cronicon de Mailros*, p. 179, &c.

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Fol. History, Anno 1190) appointed Prince *Arthur* his Heir; and if *Richard* would not put by his Nephew, and next Heir, then in favour of *John*; it's certain *John's* Behaviour, while he was engaged in the *Holy War*, must give him much more Cause to reject him, and prefer his Nephew *Arthur* before him, as he had the undoubted *Hereditary Right*.

WHOEVER considers *John's* Behaviour to King *Richard* in his Absence, recorded by all our Historians, and particularly by *M. de Rapin* Vol. iii. lately Translated by *Mr. Tindal*, in *p.* 128, 130, 136, 138, will find it exceeding difficult to believe, that *Richard*, after this Treatment of his Brother, should make him his Heir, in Wrong and Prejudice of his Nephew *Arthur*, a promising young Prince, that had never disoblig'd him, and who had the undoubted *Hereditary Right* to the Crown, in Case *Richard* died without Heirs. *Rapin* also affirms, that King *Richard* upon his Return to *England*, having subdu'd *John's* Party,

Party, summon'd his Brother, who was then in *France*, to appear before him within 40 Days, to answer the Accusations that should be exhibited against him; and *John* not appearing within the Time limited, King *Richard* caus'd a Sentence to be pass'd against him, whereby his Estates were all confiscated, insomuch from this very Time he was generally called *John Lackland*, and himself excluded from all Right of Succession to the Crown. Can any believe after all this, which is acknowledged on all Hands to be true, that King *Richard* would disinherit his Nephew *Arthur*, to make his ungrateful Brother *John* his Heir.

THE Manner in which *Rapin* represents *Richard's* Reconciliation to *John*, and the Expressions he used at his pardoning of him, at the Instance of his Mother, Queen *Elenor*, plainly shews the Opinion *Richard* had of *John*, viz. " I forgive you faith he, " raising him up) and wish I could as easily " loose the Remembrance of the Injuries " you

“ you have done me, as you will forget
 “ my pardoning of them.”

Secondly, IF there was such a Will, why did not *John* mention it when he put in for the Crown? there was at least half a Year between the Death of *Richard* and the Admission of *John*: And yet during all that Time, we hear nothing of that Will, but all that Time was spent by *John* and his Emissaries, in Promises, Oaths, and Threatnings, to bring the *English* to swear Allegiance to him, *Rapin*, Vol. iii. 150 to 157, and by giving them the most pompous Assurances in Words, how well he would govern, if they would consent to make him King; but how well he perform'd them afterwards, the History of his Life makes too evident.

Thirdly, *RAPIN* saith p. 146, that *Richard* had formerly at *Messina*, settled Matters otherways, (than in this pretended Will) and made his Nephew *Arthur* his Heir, as appears from his Letter to the
Pope,

Pope, now to be seen in the Collection of publick Acts, *Act. Pub. T. I.* p. 68, so that whatever might induce him afterwards, if any did induce him to change his Mind under the Agonies of Death, and the over Persuasions of *John's* secret Friends; it ought to be esteem'd of no Validity.

Fourthly, Arch-Bishop *Hubert's* Speech, at King *John's* Coronation, plainly intimates there was no such Article in *Richard's* last Will: *Matthew Paris* Records it at Length, with all its Circumstances, and it is thus Translated in *M. de Rapin*, “ No Person,
 “ saith the Bishop, can have a Right to the
 “ Crown of this Kingdom, unless after the
 “ humble Invocation of God's Holy Spirit,
 “ he be first unanimously elected for his
 “ extraordinary Virtues, and then solemnly
 “ anointed and consecrated. And *Rapin*
 “ (p. 156.) gives us his Thoughts of the true
 “ Meaning, Intent and Motives of this
 “ Speech: *Hubert*, he saith, was intirely
 “ in *John's* Interest; the Business was to
 “ secure to that Prince a Crown, to which
 “ the

“ the Duke of *Bretaign* had Pretensions,
 “ which seem’d not to be ill grounded.
 “ (He might have said, was much better
 “ grounded as to *Hereditary Right*, than his
 “ could be :) However, by Promises, or
 “ Threats, the *English* had been brought to
 “ swear Allegiance to *John* : It was there-
 “ fore not at all proper to say, that he as-
 “ cended the Throne by *Hereditary Right*,
 “ since the Dispute between him and *Arthur*
 “ had been neither examined nor decided ;
 “ consequently it would have been acting
 “ contrary to *John*’s Interest to have it set
 “ on foot ; but it was much to his Advan-
 “ vantage to have him mount the Throne
 “ by a Sort of an Election, which was ser-
 “ viceable to him upon two Accounts.
 “ *First*, as it gave him a Title to his Coro-
 “ nation. *Secondly*, as it gain’d the People
 “ of *England* to his Side, who by that
 “ Means would be rather induced to stand
 “ by their Choice, than to maintain him in
 “ his pretended *Hereditary Right*, which
 “ was liable to a great many Difficulties,
 “ and to an infallible Overthrow by all the

“ Principles of Justice and Equity.” After these Reasons, which amount to little less than an absolute Demonstration, and give the strongest Grounds to believe *Richard* the First did not by his last Will and Testament constitute *John* his Heir to the Crown of *England*; we must conclude *John* had no Manner of *Hereditary Right* to the Crown, nor could have any, while Prince *Arthur* and his Sister (both Children of *Jeffery*, King *John*’s elder Brother) liv’d.

BESIDES, if *Richard* had given the Crown of *England* to *John*, that would in my Judgment have given no true *Hereditary Right* thereto, whilst his Brother’s Son and Daughter were living, as they both were when *John* came to the Crown; for how can an undefeasible *Hereditary Right* be given away, without the Consent of the next Heir? No intail’d Estate can be so alienated, and much less the Intail of a Crown, without the Consent of the States of the Kingdom.

FOR

FOR if *Hereditary Right* may be alienated, and given away from the right Heir, by the mere Will of the Possessor, it seems much more agreeable to the Principles of sound Reason, and the revealed Will of God, that the States of a Nation, when their Constitution is manifestly broken by the reigning King, and in Danger of being utterly subverted and ruin'd; should have Power to set aside the *Hereditary Right* of any Branch of the Royal Family, when their Religion and Education gives the strongest Signs of incapacitating them for administering Government, according to their establish'd Constitution; but there was no such Reasons in the present Case for setting aside true *Hereditary Right*; for both the Religion and Education of Prince *Arthur* and his Sister, was agreeable to the then establish'd Constitution: And further, how can a Trust invested in any Person, and directed by the Investors of that Trust, to descend strictly to the next Heir, as a Crown and Government of a Nation, is certainly the

highest Trust, be given away by the Possessor from the right Heir, without the Consent of the Parties concern'd in that Trust? this is contrary to the Light of Reason, and the Laws of all Nations.

AND we may see what the Opinion of Mankind was, even in that Age, concerning the Power of Kings, in giving away the Right to their Crowns, without the Consent of the States of the Kingdom. *Rapin* informs us, that the *Pope's* Legate forbid the King of *France* in the *Pope's* Name, to carry his Arms into *England*, as being Part of *St. Peter's* Patrimony, through the Surrender and Homage of *John*, and threaten'd all Persons with Excommunication that should assist the *English* Barons. *Philip* without being concerned at these Menaces reply'd, that the Claim of *England* as the Patrimony of *St. Peter*, was built upon a false Foundation; that it was evident that King *John* had no Power to subject his Kingdom, by a bare Act of his Will, without the Consent of the States; and that an Act of
such

such a Nature, was beyond what any King could pretend to. *Rapin* p. 235. *Mathew Paris* saith, That all the great Men of *France* unanimously declar'd, that they would maintain this Point even unto Death: That no King or Prince, by his single Authority, had Power to give away, or make over his Kingdom; these Things were transacted at *Lyons*, 15 Days after *Easter*. From what is said, I conceive it is most apparent, that King *John* had no Degree or Shadow of *Hereditary Right* when he took the Crown. The next Thing that is urged in Favour of King *John's* coming to any Degree of *Hereditary Right* is, Prince *Arthur* doing him Homage, and owning him for King of *England*.

BUT the Account *M. de Rapin* gives us of Prince *Arthur's* Behaviour to *John*, even when he was in the greatest Danger, is a sufficient Answer to all that can be urged on this Head; he assures us from good Authority, that Prince *Arthur*, and his Sister were both surpris'd and taken by King *John*, in *Mirable*, with 200 *Knights*, and the Earl of *March*,

March, then Duke of *Bretaign*; Prince *Arthur* was sent immediately to *Falaise*, and the Princess *Elenor*, his Sister to *Bristol* Castle, in *England*, where she was kept Prisoner forty Years, and died there without Heirs, in the 21st of *Henry* the Third, Son to King *John*, Anno 1241. “ When King *John* had got
 “ Prince *Arthur* into his Power, he urged him
 “ to Renounce the Protection of the King
 “ of *France*, and wholly to submit to him;
 “ he accompanies this Advice with all
 “ the Promises and Threatnings possible;
 “ but the young Prince (saith *Rapin*) who
 “ was not yet well instructed in the Maxims
 “ of Politicks, the chiefest of which was
 “ Disimulation, could not bring himself to
 “ conceal his Sentiments; instead of accepting
 “ the King’s Offers, he took the Freedom
 “ to upbraid him with usurping the Crown
 “ of *England*, as well as the Provinces of
 “ *France*, without considering he lay at his
 “ Mercy; he was so transported with Passion,
 “ as to threaten him, that to the last Moment
 “ of his Life he would never cease seeking
 “ Occasion to be reveng’d: After so plain

“ a

“ a Declaration of his Mind, *John* being out
 “ of Hopes of overcoming his Obstinacy,
 “ order'd him to be conducted to *Roan*, and
 “ shut up in the *New Tower*, under the
 “ Care of *Robert de Vipont*.

A F T E R this Account, collected by a most impartial Hand, who can admit any Belief that ever Prince *Arthur* surrender'd any Part of his *Hereditary Right* to King *John*? We must therefore conclude that *John* had no Manner of *Hereditary Right* to the Crown of *England*, but with Respect to that, was a direct Usurper; neither could he have any during the Course of his Life, for when he murder'd Prince *Arthur*, his Nephew, because he found it impossible to prevail with him to surrender his Right to him. *Point 4.* Yet the Princess *Elenor* his Sister, was still living a Prisoner in *Bristol Castle*, and out-lived him 21 Years. This Princess (saith *Rapin* p. 354.) though reduced to so wretched a Condition, could never be prevailed on or brought, during
 her

her long Imprisonment, to recede in the least from her Right, in order to obtain some Favour, which she could expect upon no other Terms; therefore King *John* never had any *Hereditary Right* to the Crown of *England*.

HAVING advanc'd thus far, I hope with such clear Evidence, as is to the Reader's Satisfaction, I shall advance one Step farther, and that is to prove *Point 5*. That King *John* had not only no *Hereditary Right* to the Crown, whilst he lived, but that he forfeited and attainted himself and his Posterity of all Right to inherit it, by the Murder of his Nephew *Arthur*, Duke of *Bretaign*, and confining his Niece *Elenor* in *Bristol Castle*, where she was debarr'd the Liberty and Privilege of having Issue, which is next to Murder: That wilful Murder forfeits all Right of Inheritance, it seems to me to have been a Declaration from God, almost as antient as the World it self. The *Nonjurors* will readily acknowledge, that *Cain* had an *Hereditary*

ditary Right to universal Monarchy, after the Death of his Father *Adam*; but it is apparent to me that *Cain*, by the Murder of his Brother *Abel*, forfeited his *Hereditary Right* to Empire, as I conceive is most evident, from the Sentence the Lord passed upon him after that Murder, *Gen. iv. 11* and *12*. “ And thou art cursed from the
 “ Earth, that hath open’d her Mouth
 “ to receive thy Brother’s Blood from
 “ thy Hand; when thou tillest the Ground,
 “ it shall not from henceforth yield
 “ unto thee her Strength, a Vagabond
 “ and Fugitive shalt thou be in the Earth.” And *Cain* seems to acknowledge the Justice of, though not with Patience to submit to the Sentence. And *Cain* said, my Punishment is greater than I can bear, behold thou hast driven me out this Day from the Face of the Earth, that is the Glory of, and Deminion in the Earth, for the Face is the Glory, and from thy Face and (that is, I conceive from all Right to Authority, to be thy Vice-regent, and Minister upon Earth) shall I be hid, and I shall be a Fugitive and a Vagabond

in the Earth, which plainly implies, that he had lost all Right to Empire and Government. And accordingly we find all his Posterity were cut off in the Deluge; if this be not sufficient to satisfy, I hope that Command given forth by God himself, immediately after the Flood, will surely do it, *viz.* *Gen.* ix. 5 and 6.

“ Your Lives will I require at the Hand of
 “ every Beast, will I require it, and at the
 “ Hand of every Man’s Brother will I re-
 “ quire the Life of Man. Whosoever
 “ sheddeth Man’s Blood (*Illegally*) by Man
 “ shall his Blood be shed, for in the Image
 “ of God he made Man.” If this be not an undeniable Proof, that willful and premeditated Murder attaints the Blood, and forfeits all the Murderer’s Right to Inheritance, nothing can be proved from holy Scriptrue. But we have not only the Command of God in holy Writ to prove this, but we have also a most evident Example to confirm it, *viz.* *1. Kings* xxi. 18 to 24. *Abab* forfeited his Life for his permitting the Murder of *Naboth*, and *Elijah* was sent with the Message, saying, “ Thus saith the Lord,
 “ haſt

“ hast thou killed and also taken Possession ;
 “ in the Place where Dogs licked the Blood
 “ of *Naboth*, shall Dogs lick thy Blood, even
 “ thine.” And this Principle is not only
 agreeable and confirmed by the Law of God
Exod. xx. 13. but it is also agreeable to, and
 confirmed by the Law of Nature, and all
 Nations; for whatsoever Man be he, of the
 Blood Royal, or otherways noble or ignoble,
 if he murders the Person that hath the
Hereditary Right to the Crown, he thereby
 attaints his Blood and becomes guilty of High
 Treason, and forfeits all Right of Inheritance.
 And this was the general Sentiment of the
 Nation in the Case of Crook-back’d *Richard*,
 and was what induc’d them to join with
 the Earl of *Richmond* against him; and
 notwithstanding Power doth sometimes
 defeat Right, and escape Justice in this
 World, yet Right is nevertheless Right,
 because sometimes defeated by temporal
 Power. Now, that King *John* murder’d his
 elder Brother’s Son, Prince *Arthur*, was the
 Belief of the greatest Part of Mankind at
 that Time, and ever since, and in my

Judgment there needs no more to be said, for the Proof of it, than what the most impartial *Rapin*, hath given us, his Account take as followeth, “ *John* being out of Hopes
 “ of overcoming Prince *Arthur*’s Obstinacy, ordered him to be conveyed to *Roan*,
 “ and shut up in the *New Tower*, under the
 “ Care of *Robert De Vipont*. ’Tis affirmed
 “ that pursuant to the Advice of some of his
 “ Council, King *John* designed to have
 “ put out his Eyes, and render him incapable
 “ of having any Childern, in order to free
 “ himself from the Uneasiness he was under
 “ on his Score, but that he was disappointed
 “ by those who were designed to be the
 “ Agents. Be this as it will, a few Days
 “ after the young Prince was brought to *Roan*,
 “ he disappeared on a sudden, without its ever
 “ being known, for certain, what became of
 “ him. The King’s Friends spread a Report,
 “ that *Arthur*, endeavouring to make his
 “ Escape out of Prison, was drowned in the
 “ River *Scin*, but there were but few that
 “ gave Credit to this Report; on the contrary,
 “ it was the general Opinion that the Prince
 “ was

“ was murdered by the Order of the King
 “ his Unkle, *Mathew Paris*, p. 174. There
 “ are even some Historians, particularly *Will.*
 “ *Briton de Gest*; *R. Phillip*. 166, 167. who
 “ have given the Particulars of his Death.
 “ They tell us, *John* himself, in a dark Night
 “ came in a Boat to the Foot of the
 “ Tower, where his Nephew was in Custody,
 “ and caused him to be brought before him,
 “ stab’d him with his own Hand, and caused
 “ his Body to be thrown into the *Sein*,
 “ some Leagues below the Tower. In
 “ what Manner soever this Princes Death
 “ happen’d, it is certain, *John* never clear’d
 “ himself of it, there is so much the more
 “ Reason to beleive him guilty, as he made
 “ no Inquiry into the Matter, which he
 “ should have done with great Strictness,
 “ had he no Hand in it.” And in the
 Conclusion of *John’s* Reign, *Rapin* hath these
 Words in his Character, *viz.* “ It is very
 “ certain one cannot but have a very dis-
 “ advantageous Idea of him, when one
 “ considers his unjust Proceedings with
 “ regard to King *Richard*, his Brother;
 “ the

“ the Death of Prince *Arthur*, his Nephew,
 “ of which he never clear’d himself, the
 “ perpetual Imprisonment of his Neice
 “ *Elenor*, of *Bretaign*, his divorcing of
 “ *Avisa* of *Gloster*, &c.

FROM all those Considerations, it is most evident, that King *John* had not only no *Hereditary Right* to the Crown, but that by the Murder of his Nephew, and the inhuman Treatment of his Neice, he forfeited and attainted himself and his Posterity, of all Right of Inheritance. *Point 6.* It necessarily follows, *Sixthly*, Then that after the Death of *Elenor*, Prince *Arthur*’s Sister, the true *Hereditary Right* fell, and descended to the Princess *Maud*, or *Matilda*, King *John*’s eldest Sister, and Mother of the Royal Blood of His Present Majesty King *George*; for there, was no other Branch between for it to settle upon; for although the Barons of *England* invited *Lewis* the *Dauphin*, Son to *Phillip* King of *France*, to accept of the Crown, upon King *John*’s Forfeiture thereof, by Male-administration of Govern-

Government, yet it is most evident, he had not the *Hereditary Right* before the Princess *Maud* and her Issue; and this *Rapin* makes undeniably clear in the Account he gives us of the pleading this Title before the *Pope*.

BUT that we may the more clearly see the *Dauphin's* pretended *Hereditary Right*, I shall transcribe a Passage out of *Rapin*, before, viz. “ That by the Treaty of Peace
 “ made by King *Phillip* with King *John*,
 “ one of the Articles was, that *John* should
 “ give twenty thousand Marks of Silver in
 “ Dowry with *Blanch* of *Castile*, his Neice.
 “ She was Daughter to *Alphonfus* VIIIth.
 “ and *Elenor*, who was second Daughter to
 “ *Henry* the Second, and younger Sister to
 “ the Princess *Maud*; *Lewis* was married to
 “ her at *Roan*. *Rapin*, p. 162, 238 tells
 “ us, *Lewis* attempted, at *Rome* before the
 “ *Pope*, to prove his *Hereditary* Title to
 “ the Crown of *England*. They founded
 “ (saith he) his Right upon his Marriage of
 “ *Blanch* of *Castile*, pretending that *John*
 “ having been lawfully deposed by the Ba-
 “ rons,

“ rons, the Crown was devolved on *Blanch*
 “ his Neice, and in the Account, which an
 “ Historian (who is *Matthew Paris, Anno*
 “ 1216) hath given of the Conference at
 “ large, which the Embassadors had with
 “ *Pope* Innocent. The *Pope* objected to
 “ the Embassadors, that suppose *John* was
 “ lawfully deposed, his Children ought not
 “ to be involved in the same Misfortune;
 “ but grant that his Children, young as they
 “ were, had been Partakers of their Fathers
 “ Crimes, *Elenor* of *Bretaign*, Prince *Ar-*
 “ *thur*’s Sister (then living, and Prisoner in
 “ *Bristol Castle*, had the Precedency of all
 “ others; in fine, that the Emperor *Otho*,
 “ Son to *Henry* the Second’s eldest Daugh-
 “ ter *Maud*) ought manifestly to succeed
 “ before *Blanch* of *Castile*.” From whence
 it is most evident, that the *Dauphin*’s Wife
 could have no *Hereditary Right* to the
 Crown of *England*, before the Issue of the
 Princess *Maud*, Mother of the Royal Fa-
 mily of King *George*. But upon King *John*’s
 forfiting the *Hereditary Right* for himself
 and his Heirs, the true *Hereditary Right*
 imme-

immediately upon the Death of the Princess *Elenor*, fell to the Family of King *George*.

THERE is nothing more evident and true, than the Points we have already consider'd, *viz.* *First*, That King *John*, when he took the Crown, had no Degree of *Hereditary Right* thereto. *Secondly*, That Prince *Arthur*'s Surrender never gave him any. *Thirdly*, That the premeditated wilful Murder of the Person who hath the *Hereditary Right* to the Crown, forfeits the Murderer's Right to inherit, and renders him incapable thereof. *Fourthly*, That the Princess *Maud*, Mother of the Royal Blood of his Late and Present Majesty King *George*, had the *Hereditary Right* to the Crown before the *Dauphin*'s Wife *Blanch* of *Castile*, or any of her Issue. *Point 7.* There is but one Point therefore that remains to be discuss'd, to clear this whole Matter, and that is, whether King *John*'s Forfeiture of his *Hereditary Right*, affected his Issue or Children; the Law of God expressly affirming, that the Children shall not answer for,

nor be esteem'd guilty of their Father's Crimes. To clear this I have several Things to propose, as *First*, Though the Father's Crimes, according to the Law of God, ought not to be imputed to the Children, yet what the Father forfeits by his Crime before the Children were born, those Children can never have any Right to inherit, because the Father had forfeited the Inheritance before the Children were born. And this is the very Case of King *John's* Children; King *John* was guilty of the Murder of Prince *Arthur*, who had the true *Hereditary Right* to the Crown, in the third Year of his Reign: Whereas, he had no Child born, till near six Years after; how then should that Child have any Title to the *Hereditary Right* to the Crown from his Father, when his Father forfeited that Right five Years before he was begot? Indeed, King *John* was not deposed by the Barons of *England*, and declar'd by them to have forfeited his elective Right for Male-administration of Government before his Children were born; and therefore the Forfeiture

ture of what elective Right the Barons gave King *John*; and afterwards declar'd him to have forfeited by his Male-administration, and did devest him of, and invited the *Dauphin* to accept of that Forfeiture, need not be imputed to his Children. But the *Hereditary Right*, which was forfeited so long before the Children were born, the Children could have no Right to inherit.

Secondly, THERE are very strong Arguments to prove, that according to the Law of the Gospel, King *John's* Children were not legitimate, nor born in lawful Wedlock. And this is plain from the Account *Rapin* gives us of his Marriages. He informs “ us, that by his first Wife he had “ no Children, at least not to live. His “ second Wife was *Avisa* of *Gloucester*, “ who had no Child by him, and during “ the seven Years she was married to “ him, gave him no Cause of Complaint: “ But falling in Love with *Isabella* of *Angouleme*, he got a Dispensation from the “ *Pope* to be divorc'd from *Avisa* of *Glou-*

F 2
“ cester,

“ *cefter*, for no other Reason, but his Love
 “ of Lust to *Isabella*, who before she was
 “ married to *John*, was contracted, in order
 “ for Marriage, with the Earl of *March*.”
 And in this manner saith *Rapin*, p. 163,
 164, it is that Historians for the most part
 speak of *John*’s third Marriage: They assure
 us, that his Love for *Isabella* of *Angouleme*
 was the real and only Motive of his annull-
 ing his second Marriage. If then this third
 Marriage, by which only he had his Chil-
 dren, was a lawful Marriage, according to
 the Laws of the Gospel, there are no such
 Things as unlawful ones. And if his Mar-
 riage was unlawful, his Children must needs
 be illegitimate, and could have no Title to
 the *Hereditary Right* of the Crown.

FOR if that Precept of our Lord *Jesus*
Christ be the Gospel or Christian Law, *viz.*
Mat. xix. 9. “ And I say unto you, who-
 “ soever shall put away his Wife, except it
 “ be for Fornication, and shall marry another,
 “ committeth Adultery, &c.” And further,
Mark x. 9. “ What therefore God hath
 “ joined

“ joined together, let no Man (no not the
 “ *Pope* nor Colledge of Cardinals, nor yet a
 “ general Council) put afunder.” And then
 positively concludes, upon the most strict
 Enquiry in the House, (where the Disciples
 might expect according to his usual Custom,
 he would have explain’d himself most freely,
 and have told them his Mind without reserve.)
 v. 11. “ Whosoever putteth away his
 “ Wife, and marrieth another, committeth
 “ Adultery against her.”

BUT seeing almost all Historians do agree
 that King *John* disannull’d his second Mar-
 riage, and put away *Avisa* of *Gloucester* his
 Wife, for no other Cause than his falling
 in love with *Isabella* of *Angouleme*, and not
 any real Cause that *Avisa* had given him.
 It must needs be concluded, that all the
 Children *John* had by *Isabella*, were illegiti-
 mate and born in Adultery.

AND though the Laws of God doth not,
 with respect to Spiritual Concerns, subject
 the Children to the Guilt of their Fathers
 Crimes;

Crimes; yet the Laws of all Nations subject the Children to the Penalties of their Fathers Attainders for High Treason, with Respect to the Inheritance, both of Titles and Estates; therefore King *John's* Children ought to be subjected to the natural Attainder, which attended their Father's Murder of Prince *Arthur*, and consequently they could not inherit the *Hereditary Right* to the Crown.

THEREFORE the true *Hereditary Right* to the Crown of *England*, upon the Death of *Elenor of Bretain*, necessarily fell to the Princess *Maud* and her Issue, of whom King *George* is the eldest Branch (as we shall see by and by) for by the Light of Nature, and the Law of all Nations, no Person can afterwards convey a Right which they had by that Light, and those Laws, before forfeited; if our *Nonjurors* think they can, let them consider whether any Person condemned, and attainted for High Treason, (or really and actually guilty thereof, for the former is but a formal Con-

Consequence of this latter) can after that Attainder, convey any Inheritance which before that Attainder they might have a Right to? If not, then King *John* nor his Children could have no Title after his Forfeiture to the *Hereditary Right* of the Crown of *England*.

FROM all that we have said, it is most manifest and apparent, that the States of this Nation, upon the Death of King *John*, could convey no other Right to *Henry* the Third, his Son, than an elective Right; neither could he convey any other Right to his Issue (unless the Issue of the Princess *Maud* had been extinct, which is most evident it is not to this Day.)

BUT if the *Nonjurors* think the Conveyance and Inheritance of an elective Right, is better than the Inheritance of a preceeding *Hereditary Right*: Then his present Majesty King *George*, hath the Advantage this Way also; for the Statutes which excludes all *Papists* from the Crown, and the Statutes

Statutes whereby a limited *Hereditary Right* to the Crown, is settled in the *Protestant Line*, viz. to the Princess *Sophia*, and her Issue, being *Protestants*, conveys to his Majesty King *George*, all the elective Right of this Kingdom; and this Conveyance of an elective Right, with the Limitation of the Succession in the *Protestant Line* is made the more secure, by being incorporated into the Union of *Scotland*, as an essential Part of the Constitution of the united Kingdom (including *England* and *Scotland*) called *Great Britain*; so that his present Majesty, hath not only the best and most antient *Hereditary Right*, but also inherits the best and firmest Elective Right that can be to the Crown of *Great Britain*, &c.

I will now set down the lineal Succession of his present Majesty King *George*, from the Princess *Maud* or *Matilda*, eldest Daughter to King *Henry* the Second. *Henry* the Second's Daughter *Maud* married *Henry* the *Lion*, Duke of *Bavaria* and *Saxony*, and had Issue, *William* Duke of *Lunenburg*, who
mar-

married *Hellena*, Daughter of *Woldmer* King of *Denmark*; and had Issue *Otho* Duke of *Brunswick* and *Lunenberg*, and Emperor of *Germany*; who had Issue *Albert*, the fat Duke of *Brunswick*; who had Issue, *Magnus* Duke of *Brunswick* and *Lunenberg*; who had Issue, *Magnus Torquate* Duke of *Brunswick* and *Lunenberg*; who had Issue, *Bernard* Duke of *Brunswick* and *Lunenberg*; who had Issue, *Frederick* Duke of *Lunenberg*; who had Issue, *Otho* the great Duke of *Lunenberg*; who had Issue, *Henry* Duke of *Lunenberg*; who had Issue, *Ernestus* Duke of *Lunenberg*; who had Issue, *William* Duke of *Lunenberg* and *Zell*; who had Issue, *George* Prince of *Collenberg*, and Duke of *Hannover*; who had Issue, *Ernestus Augustus* Bishop of *Osnaburgh* and Elector of *Brunswick*; who married *Sophia*, Daughter to *Frederick* King of *Bohemia*, by *Elizabeth* the only Daughter of King *James* the First of *Great Britain*; by whom he had Issue *George* the First, by the Grace of God King of *Great Britain*, and Elector of *Brunswick*, &c. who had Issue, *George* the Second

by the Grace of God King of *Great Britain*, &c. and Elector of *Brunswick* and *Lunenberg*, &c.

I need say nothing on this Genealogy of the Illustrious Family of *Brunswick* and *Hanover*, to prove it the most antient and honourable in *Europe*: There is enough printed long before His Late Majesty had any Views of coming to the Throne of *Great Britain*, which sufficiently demonstrates, that his Family is the most Antient, Honourable and Glorious of any now subsisting in *Europe*; and therefore is so far from being the Object of Contempt, as many of my Countrymen have been deluded to think, that it is the greatest Ornament to the *British* Throne, of any Family that hath sat upon the Throne of *England* for this 500, I may say, this 1000 Years past.

THE Electors of *Brunswick*, *Lunenberg* and Dukes of *Hanover*, and the Princess *Sophia* being thus lineally descended from the Antient and Royal Blood of *England*

land and *Scotland*, the former from *Henry* the Second, the latter from King *James* the First. King *George* the First had a Claim to the Crown of *Great Britain*, according to the highest and strictest *Hereditary Right*, before the Issue of any of our *English* Kings since *Richard* the First; for he had the true and untainted Blood of the *Plantagenets*, and *Stuarts* united together, whereas the Blood of the *Mortimers*, *Suffolks* and *Tudors* all issued, by the Male or Female from the attainted Blood of King *John*, which could never convey a pure *Hereditary Right* to any of our succeeding Kings, because attainted first in the Assumption of the Crown, in the Prejudice of the undoubted *Hereditary Right* of Prince *Arthur*. And *Secondly*, by the Murder of Prince *Arthur*; therefore this Blood could never be purified, (but by Marriage with the Electors of *Brunswick*) into a strict *Hereditary Right*. But the Blood of the Electors of *Brunswick*, *Lunenburg*, by their Ancestor the Princess *Matilda*, was never attainted with those Crimes, but

comes pure and uncorrupt into the Enjoyment of the true *Hereditary Right*.

AND as the Blood of the *Normans* and *Saxons* were happily united in the Offspring of *Henry* the Second, Father of the first Royal Blood of *England*, in King *George* by the Mother's Side, and the Blood of the Houses of *York* and *Lancaster* were happily united in King *Henry* the Eighth, and the Grandmother of King *James* the First; and the two Kingdoms of *England* and *Scotland* were happily united in the Person of King *James* the First; so I may say with great Truth and Justice, they are all happily united in the Person of King *George* the Second,

BUT before I proceed any farther, will hint the Reasons which I conceive might induce the States of *England* at the Time of King *John*'s Death, not to consider, but to set aside the most apparent *Hereditary Right* of the Princess *Elenor*, Prince *Arthur*'s Sister,

ter, then a Prisoner in *Bristol Castle*, and after her Death the *Hereditary Right* of the Heirs of the Princess *Matilda*, and proceed upon the Foundation of their Authority, when the Prince reigning had forfeited his Right to the Throne, and the Throne was vacant, to elect a King out of some Branch of the Royal Blood. First, *Lewis* the *Dauphin* of *France*, was then in the Bowels of *England* with a powerful Army, and had been invited over by great Numbers of the Barons, and joined by them to withstand and oppose King *John's* Arbitrary and Male-administration of Government; but the Barons making an evident Discovery, that the *Dauphin* had purpos'd and determin'd as soon as he got Power into his own Hands, utterly to destroy the *English* Constitution of Government, and as the Viscount *Melun*, a *French* Lord declar'd upon his Death Bed, that Prince *Lewis* had avowed, that if once he got the Kingdom into his Hands, utterly to extirpate all the *English* Nobility, and to admit none but *Frenchmen* to any
Places

Places of Profit, Trust, or Dignity; therefore the States of the Kingdom were under a Necessity to unite, in chusing another Person to fill the Throne. The Princess *Elenor* had been long a Prisoner, and in great Contempt, doubtless with all the Court Party, as those in her Circumstances generally are; and although the *Hereditary Right* was undoubtedly hers, yet the Court Party might be afraid to trust her, for fear of her Resentment; and further, must be supposed to be more attach'd by Interest to King *John's* Son, and the Princess *Elenor* having no foreign Power to stand by her, and assist her, it was not reasonable to suppose they could unite to restore her to her Right. And as to the Issue of the Princess *Maud*, their *Hereditary Right* commenc'd not till *Elenor's* Death; they therefore could not think of admitting her Heirs, without an aggravated Affront to the *Dauphin*, who might at that Time with as much Justice, claim the Crown as the Heirs of the Princess *Matilda*, in the pretended Right of his Wife.

Secondly,

Secondly, The States therefore could not think of a more probable way to unite the Interest of the great Men and procure the Peace of the Kingdom, than to elect King *John's* Son, there being no Reason to doubt, as in the Case of the *Pretender*, that he was his real Son, though born in unlawful Wedlock : And considering his Father was dead, and gone to answer for his Sins in another World, and the Son an Infant left amongst them, and not sent away to the Enemies of their Religion and Constitution, as the *Pretender* was ; therefore they might hope to bring him up, and instruct him in, and possess him with such Principles, and inspire him with Gratitude, and such a Sense of his Father's Crimes and Follies, as might give them great Assurance, that in the whole Course of his Reign, he would govern strictly, according to their Constitution, and preserve their Laws and Liberties, and make them a happy People.

Thirdly, ANOTHER powerful Reason that might induce the States to set aside
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strict *Hereditary Right* at this Time, was the Interest of the *Pope*, then acknowledg'd by *England* (for there was a Scism at that Time in the *Popedome*, and two Persons claim'd the infallible Chair) and considering the Slavery Men's Consciences were at that time held in. This might be a very powerful and prevailing Argument with the States, to set aside strict *Hereditary Right*, and to elect young *Henry* King, and so to invest him with an elective Right to the Crown, and how unjust soever this might be, yet the Necessity of their Affairs seem'd to plead in Excuse for it: Therefore this Election and Choice of young *Henry*, doth not in the least affect nor dissolve the true and antient *Hereditary Right*, devolved upon the Ancestors of King *George*, by the Forfeiture of King *John* and the Death of the Princess *Elenor*: But if it proves any Thing it doth but demonstrate, that the States of this Nation, when their Constitution was broke, and the King reigning, had thereby forfeited his Right to govern, have Authority to elect and chuse a King out of the Royal Family,
that

that they believed would govern according to their Constitution, and that such an Election and Choice gave that Person a true Right to the Crown, and an Authority to govern according to their Laws.

A N D if the States and living legislative Power had a Right to do this in one Age, why not, upon the same Emergency, to do the same Thing in another? Doth the Light and Law of Nature authorize the States and Power of a free People in one Age, to form and establish any meer human Constitution, that the same Powers of that free People have not Authority to rectify and purify in another Generation, from any Errors they perceive therein? I must confess I see no such Distinction that the Light and Law of Nature can authorize, neither is such a Restraining agreeable to the Sentiments and Practice of the Generality of the wisest and best Philosophers and States of Men, in all Ages of the World; and this is demonstrable from the following Instances.

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W H E N

WHEN the Government of this Island was first constituted, whether by Compact and Agreement amongst the Inhabitants themselves, as is most probable, or by the imposing Authority of Conquerors, it matters not, or we may take in both, the Case will remain the same, so that the Freedom of the States and People be preserved, and subsist, or at least-ways, be restored.

THE religious Part of this first Constitution of Government, is allowed and asserted by all Historians, to be Heathenism and Idolatry, which they had then Laws to establish, defend and enforce, as much as human Power could do; they therefore, without doubt, provided against the Alteration thereof; and so far as they did, and whilst they continued to believe in their Hearts and Consciences, that they were in the Right *, I don't see, but from the meer Light of Nature, they had Authority so to do.

* *Acts* xvii. 30. *1st Rom.* xix 21. *Gh.* ii. 14, 15.
Jehn iii. 20, 21.

do. But did this their meer human Authority and Constitution, or the Authority of their Constitution, bind their Successors, after the Principles of Christianity prevail'd, and made a Conquest over the Minds of those in whom the living legislative Power was invested, not to alter, rectify and purify their former Constitution of Government, from those Errors which relate to Heathenism, and to form it agreeable to those Principles of Christianity they had received? No certainly, for our Historians unanimously declare they had Authority, and did cast out of the Constitution all those Errors that related to Heathenism and Idolatry, and made other Laws Part of their Constitution, that were agreeable to the Principles of Christianity.

A N D when the Errors and Superstition of Popery prevail'd in this Nation (for all Protestant Writers do unanimously testify, and undeniably prove, they were not the first Principles of Christianity receiv'd and establish'd in this Nation) the Constitution

and Laws were again alter'd, and made agreeable thereto, by the then living legislative Power, and the Supremacy of the Pope was introduc'd and establish'd by Law, without any Authority from the Law of God, and the true Principles of Christianity ; and it was made Death to deny the Doctrine of Transubstantiation, and some other of the Roman Errors. Now, seeing it is most evident, that those grand Alterations have pass'd upon the Constitution of Government, since its first Formation in this Nation. Had not the living legislative Power as great an Authority, and far greater (as they have the plain reveal'd Will of God on their Side) when the Principles of the Reformation prevail'd, and made a Conquest over the Minds of the living legislative Power, to cast out of the Constitution of their Fore-fathers, all those Laws that favour'd and establish'd the Errors, Superstition and Idolatry of Popery, and to form their Constitution according to the Protestant Faith? Surely they had the highest Reason and Right to do this, seeing we have the same Revelation of
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the Will of God, which is acknowledged in the bare Literality, by the Papists themselves, to justify us therein, as those that first changed the Constitution from Heathenism to Christianity had.

THEREFORE, seeing the supream living legislative Power of this Nation, in King, Lords and Commons, in *Edward* the Sixth's Reign; and again, in Queen, Lords and Commons, in Queen *Elizabeth*'s Reign, did rectify, purify and establish the Constitution of the Government of this Nation, according to the Principles of the Protestant Faith, and that it hath been further confirm'd and strengthened, by additional Laws, in all the Reigns since Queen *Elizabeth*, of Glorious Memory, except King *James* the Second, had any Part of the legislative Power and Authority, without the Whole, to break or dissolve any Part of this Constitution? as may be undeniably prov'd the late King *James* did; and particularly from the Declaration of the Lords spiritual and temporal, and Commons, assembled at *Westminster*,

ster, Jan. 28, 1688. For by the Nature of this Constitution it is most apparent, that the King's Person is no more than a third Part of the living legislative, invested with the executive Power of the Whole, and a negative Voice in passing of all new Laws. Hath the King then, without the Consent of the Lords and Commons, Power and Authority to break and dissolve our establish'd Constitution? Certainly, the Nation in no Age ever quietly suffer'd it, but always opposed this arbitrary Proceeding in their Kings.

I doubt not, but the Papists would loudly have justified the Houses of Lords and Commons, if thay had united, in opposing the King, had he attempted, without their Concurrence, to have broke the Constitution, when it was established in Favour of Popery; and this we are sufficiently assur'd of, by what they did in *Queen Elizabeth's* Reign, notwithstanding she did nothing relating to the Constitution, but what was
done

done by the Consent, and Concurrence of both Houses of Parliament.

THE States of this Realm, then had Authority to interpose upon the many and great Breaches made in our Protestant Constitution, by the late King *James* the Second, such as his apparent Design of breaking and dissolving the Whole, in an arbitrary Power (if it could be done no other Way). When the Prince of *Orange*, joined by the Majority of the States, opposed and prevented the Designs of the said King *James*, his secretly stealing away (after he was by the Bishops, and a considerable Part of the Peers, desir'd to stay, and meet a free Parliament, to rectify the Breaches he had made in the Constitution, being assur'd both from the Prince of *Orange*, and several Lords, that no Violence nor Prejudice should be done to his Person) and notwithstanding all, leaving this Nation without any Form of Government or executive Power lodged in the Hands of any Person or Persons, and as much

as in him lay, dissolving all Form of Government, by carrying or causing, or at least permitting to be carried away, the Broad Seal of *England*, burning those Writs that had already pass'd the Seal, but not sent out, and superceeding those that were for calling of a free Parliament, and ordering the Army to be disbanded, with their Arms, and without their Pay; and which still aggravated the Matter (having before sent away the Queen, and his pretended Son, and if he was his real Son, so much the worse) goes over himself, to the then greatest Enemy of our Protestant Constitution of any in *Europe*; and one that had the most barbarously persecuted those of the Protestant Faith.

T H E S E Circumstances were equally emergent, and render'd the Affairs of the Nation as desperate as those at the Death of King *John*; therefore, what Reason can be given, why the States of this Nation had not as much Authority, to assemble in the two Houses of Parliament, and declare that
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the said King *James* had forfeited his Right to Government, and abdicated the Throne, and that the Thorne was really vacant ; and upon this apparent Vancancy of the Throne, to elect and chuse a King and Queen out of some Branch of the Royal Family, that would maintain their Constitution, and administer Government according to the Laws ; as well as the States had Authority, at the Death of King *John*, to elect *Henry* the Third, and to invest him with a true Title. It must be acknowledg'd they could not invest *Henry* with the true *Hereditary Title*, for his Father never possess'd it, nor could possess it, while any of his elder Brother *Jeffery*'s Heirs were living ; and the Princess *Elenor* was living when *Henry* was elected, and lived to the 21st Year of his Reign ; and if the States then maintain'd, as the States of every Age since have done, as Occasion requir'd (for this was never repeal'd) that their Election (notwithstanding the true Heir, according to *Hereditary Right* was then living, and in the Nation) gave *Henry* a true Title.

W H A T Reason is there to doubt, that the Election and Settlement of the States in 1688 gave King *William* and Queen *Mary*, and Queen *Ann*, as true a Title; certainly if *Henry* had a true Title, those had also a true Title.

A N D if the Choice and Settlement of the States gave King *William* and Queen *Mary*, and Queen *Ann*, a true Title, then the Acts of the States in both their Reigns, wick settled the Crown upon the Princess *Sophia*, and the Heirs of her Body, being Protestants, gave his Late, and Present Majesty King *George*, a true Title, and as true a Title as ever *Henry* the Third had.

A N D if it be denied, the Election and Settlement of the States gave *Henry* a true Title, it must necessarily follow, that none of our Kings since, till King *George* the First, had any true Title; seeing they could have none but what they inherited from him,

him, or that the Acts and Settlement of the States gave them. If it be objected, that *Henry* had no true Title, till the Death of the Princess *Elenor*, and then the *Hereditary Right* fell to him; answer, it cannot be allow'd, that the true *Hereditary Right* fell to *Henry* on the Death of the Princess *Elenor*, without overthrowing evident and undoubted Principles, both of Revelation and Reason, as we have prov'd.

F O R if wilful and premeditated Murder of the true Heir, and Possessor of *Hereditary Right*, doth not forfeit the Murderer's Right to inherit, we overthrow that evident Principle of divine Revelation, given forth by God himself, immediatly after the Flood, *Gen. xix. 5, 6.* which therefore must be obligatory upon all Nations, because given to the Root and Stock of all Nations, in *Noah*, and his Sons. And it not only overthrows this Principle of Revelation, but it also overthrows the Reason and Laws of all Christian Nations.

Secondly, IF it be not acknowledged, that *Henry* the Third was begotten and born in Adultery, we overthrow that express Law of our Lord *Jesus Christ*, viz. I say unto you whosoever putteth away his Wife, except it be for Fornication, and shall marry another, commiteth Adultery. Again, and what therefore God hath joined together, let no Man put asunder. And as we have proved before, it is the general Opinion of Historians, that King *John* put away his Wife *Avisia* of *Gloucester*, for no other Reason than his falling in love with *Isabella* of *Angouleme*; therefore if we do not allow, *Henry* the Third was begotten, and born in Adultery, and consequently could have no Title to true *Hereditary Right*, we overthrow the forementioned Law of our Lord *Jesus Christ*.

THEREFORE *Henry* the Third could have no Title to the Crown, but what the States gave him, consequently that Title the States gave him, was a true Title, or none
of

of our Kings since, till King *George* the First, had a true Title. But all our Kings since *Henry* the Third, that were invested with the Crown, by the general Act, Consent and Acknowledgement of the States, had a true Title thereto, till they forfeited it, and were deprived thereof, by the Act of the States, as several of our Kings were.

AND if the States had Authority, by their Act and Election, notwithstanding the Princess *Elenor* was then alive, and had done nothing to forfeit her Title to *Hereditary Right* (and notwithstanding King *John's* most apparent Forfeiture, by the Murder of his Nephew *Arthur*) to give *Henry* a true Title to the Crown, that hath been the Foundation of all the Right to all our Kings since, till *William* the Third. Certainly the same Act and Authority of the States of this Kingdom, upon as emergent an Occasion, and great Necessity, gave King *William*, Queen *Mary*, Queen *Ann*, King *George* the First and Second, as true a Title as ever *Henry* the Third enjoy'd, or any of his Successors,

sors, which ought to descend to the Issue of King George, being Protestants, to the End

BUT as the *Abrogation* of the *Thron*
 this Consequence, *as they must* *by Blood*
 deny the Premises, and therefore must seek
 for an unforfited and untainted *Hereditary*
Right, which can be found no where, but
 in his present Majesty King George the Se-
 cond. And since the wonderful and sur-
 prizing Providence of God (I am fully per-
 suaded, for glorious and good Ends to this
 Kingdom) hath so over-ruled, and brought
 Things to concur in such a happy Manner,
 as that the Settlement of the Crown, by the
 States of the Kingdom, and the true unfor-
 fitted *Hereditary Right* meet and center in
 one and the same Person, which hath not
 happened, till King George the First, of
 glorious and happy Memory, for above these
 500 Years; which united Right gives his
 present Majesty, and his Issue, the highest
 and most divine Title to the Imperial Crown
 of *Great Britain*, that ever any King en-
 joyed

joyed, since it was a Nation. I may here use the Expression of that bold Champion of the *Nonjurors*, the

Right, *id est* *Seignior* for the *Kingdom*, which he in-
quite otherways, viz. "Although
" the Tree of *Hereditary Right* hath been
" several Times cut down to the Ground,
" yet the Stump in the Earth (I may add,
" tho' it hath lain long in Obscurity, with
" respect to this Kingdom) hath grown up
" again, and hath reached to Heaven, the
" Kingdom hath been sure, and the Nation
" hath been convinc'd that the Heavens do
" rule."

AND those that in the present Case will not be convinced, by the surprising and over ruling Providence of the Almighty, that hath advanced the Family of his present Majesty King *George*, to the Throne of *Great Britain*, &c. That the Heavens do rule, would not be convinced, tho' one should arise from the Dead to testify it, or if
an

an Angel was sent from Heaven with the Message.

THIS astonishing Conduct of the divine Providence, in restoring to the of these Nations, the pure untainted Blood of the *Plantagenets*, by the Mother's Side, into which the Hereditary Blood of the *Saxon* Line, by the Mother's Side, was ingrafted by *Henry* the Second, is sufficient to take off the Force of all that can be urged from the long Interruption of the *Hereditary Right*, in the Issue of the Princess *Matilda*. For though no Claim or Demand of this Right was made, nor Possession obtained, yet according to the true Light of Nature, and the Law of God, this Right remain'd nevertheless real and essential: And seeing the good Providence of God hath so wonderfully and unexpectedly restor'd it, in his late and present Majesty, this is sufficient to take off all that may or can be urged from the Literality or Custom of human Laws. And this the Author of *Hereditary Right* maintains in his *Appendix*, p. 15.
 " 'Tis

" 'Tis a sure Rule in this Case (saith he) *Nul-*
 " *lum Tempus occurrit Regi.* (And adds) No
 " Length of Time makes that Law, which
 " was not so from the Beginning, if there be
 " a right Heir that claims, or would claim,
 " or wants either Notice of his Title, or
 " Power to make it good, or forbears to
 " claim for other sufficient Reasons, here
 " Prescription signifies nothing." And if
 so, then King *George's Hereditary Right* was
 as good, when he enter'd upon Possession of
 the Crown, as it was the first Day King
John forfeited his Right, by the Murder of
 his Nephew *Arthur*, and the Death of the
 Princess *Elenor*.

F O R by their own Rule, if no Time
 nor Law can prescribe or detriment the true
Hereditary Right, none can prejudice or de-
 triment King *George's*.

A N D from what hath been said, I con-
 ceive it is most evident, that his Late Ma-
 jesty King *George* did, and his Present Ma-
 jesty King *George* doth enjoy the best *Here-*

K

ditary

ditary Right to the Crown of Great Britain, &c. of any Monarch that hath sat upon the Throne since *Richard* the First.

AND upon due Consideration, it must be a surprizing Prejudice that can withhold any Man (especially a Protestant, and a sincere Lover of his Religion, and the true Good of his native Country) from seeing and acknowledging this. Much more might be said to confirm this Truth, both from History, Revelation, and the sound Principles of Reason, but I conceive what hath been already said is sufficient to convince any unprejudic'd Man.

I could also answer all that may be urged to invalidate the Argument, founded upon King *John's* Divorce from *Avifa* of *Gloucester*. To prove *Henry* the Third illegitimate. And particularly, what may be urged from the Example of *Henry* the Eighth; and prove, from undoubted History, that *Henry* the Eighth had much greater Reason to divorce *Katherine* of *Spain*, than *John* had to divorce

divorce *Avisa* of *Gloucester*; but as there are none of the Posterity of *Henry* the Eighth remaining, there is no Reason to trouble the Reader with that Argument; but to conclude, if those Gentlemen who were *Nonjurors* to King *George* the First, will be determin'd by nothing, but the highest and strictest *Hereditary Right*, I hope, upon due Consideration, they will suffer this most apparent *Hereditary Right*, of his present Majesty, to determine them to take the Oaths, and to become loyal and faithful Subjects to King *George* the Second, whom God Almighty long preserve, in Health, Prosperity, and Peace, or Victory, to govern these Kingdoms, and his Issue after him, to the End of Time. AMEN.

F I N I S.



